

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MESA UNDERWRITERS SPECIALTY
INSURANCE COMPANY,

Plaintiff,

V.

RAZORHONE LLC,

Defendant.

CASE NO. 2:23-cv-01904-TL

ORDER REQUESTING SUPPLEMENTAL BRIEFING

This matter is before the Court on Plaintiff Mesa Underwriters Specialty Insurance Company's Motion for Summary Judgment. Dkt. No. 19. To assist in its evaluation of the motion, the Court directs each Party to file, **by December 23, 2024**, a supplemental brief on the following issues:

Given that the Parties do not dispute that the area at issue in this matter comprises Sea Smoke Tracts A-1, A-2, and J, nor have they disputed Defendant's representations of how the three tracts have been, or will be, developed, *see* Dkt. No. 23 at 12-13—

(1) (a) How is property damage allegedly sustained under the 2019, 2020, and 2021 policies distinguished from property damage allegedly sustained under the 2022 and 2023 policies? (b) How is alleged property damage associated with development of one tract (A-1, A-2, or J) distinguished from alleged property

1 damage associated with development of another—that is, can the damage from
2 each tract be separated out?

3 (2) What function(s) within Sea Smoke does the maintenance facility constructed in
4 Tract A-2 serve, and which area(s) within Sea Smoke does the maintenance
5 facility service?

6 (3) What function(s) within Sea Smoke's stormwater drainage system does the
7 stormwater pond constructed on Tract J serve, and from which area(s) within Sea
8 Smoke does the stormwater pond collect water?

9 (4) Does the Real Estate Development Property Exclusion apply to the alleged
10 property damage associated with the development of Tract A-1? If neither
11 exclusion applies to Tract A-1, and Plaintiff's duties to defend and/or indemnify
12 are triggered, does the Court need to consider whether an exclusion applies to
13 alleged property damage associated with the development of Tracts A-2 and J?

14 Briefs shall not exceed **ten (10) pages**. Response briefs are not permitted.

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16 The Court DIRECTS the Clerk to re-note Plaintiff's Motion for Summary Judgment (Dkt.
17 No. 19) for December 23, 2024.

18
19 Dated this 13th day of December 2024.

20
21 
22 Tana Lin
23 United States District Judge
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